

ENTERED

2/496us

CAUSE NO. 201957573

RECEIPT NO.

75.00

COL

2019-57573

TR # 73663127

PLAINTIFF: ESTATE OF HECTOR SALAS JR
vs.
DEFENDANT: CITY OF GALENA PARK

In The 190th
Judicial District Court
of Harris County, Texas
190TH DISTRICT COURT
Houston, TX

THE STATE OF TEXAS
County of Harris

FILED
Marilyn Burgess
District Clerk
SEP 13 2019
Time: 8:04 AM
Harris County, Texas
Mail Processing Clerk

TO: GONZALES, RICK
OR WHEREVER HE MAY BE FOUND
2207 CLINTON DR GALENA PARK TX 77547
Attached is a copy of ORIGINAL PETITION

* 8742 Wonne Dr
Houston, TX 77044 *

This instrument was filed on the 19th day of August, 2019, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 27th day of August, 2019, under my hand and seal of said Court.

Issued at request of:
LEWIS, U. A.
PO BOX 27353
HOUSTON, TX 77227
Tel: (713) 570-6555
Bar No.: 24076511



MARILYN BURGESS, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)
Generated By: CHAMBERS, WANDA ULW//11312317

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock ____ .M., on the _____ day of _____, ____.

Executed at (address) _____ in

_____ County at _____ o'clock ____ .M., on the _____ day of _____,

_____, by delivering to _____ defendant, in person, a

true copy of this Citation together with the accompanying _____ copy(ies) of the Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this _____ day of _____, ____.

FEE: \$ _____

_____ of _____ County, Texas

By _____ Deputy

Affiant

On this day, _____, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____, ____.

Notary Public

N.INT.CITR.P

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of Imaging.

6702
Vibone Jr
H/T 7/2022

Unofficial Copy Office of Marilyn Burgess District Clerk

CAUSE NO. 201957573

RECEIPT NO.

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C01

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In The 190th
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THE STATE OF TEXAS
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CITATION

TO: GONZALES, RICK
OR WHEREVER HE MAY BE FOUND
2207 CLINTON DR GALENA PARK TX 77547
Attached is a copy of ORIGINAL PETITION

Delivered
Christopher E. Diaz, Constable
Precinct # 2, Harris County, Texas

This instrument was filed on the 19th day of August, 2019, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

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true copy of this Citation together with the accompanying _____ copy(ies) of the Petition

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To certify which I affix my hand officially this ____ day of _____, ____.

FEE: \$ _____

_____ of _____ County, Texas

Affiant

By _____
Deputy

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SWORN TO AND SUBSCRIBED BEFORE ME, on this ____ day of _____, ____.

Notary Public

Constable Return of Individual

Cause #: 201957573Tracking #: 73663127

In the case of ESTATE OF HECTOR SALAS JR VS CITY OF GALENA PARK a CITATION and attached ORIGINAL PETITION was issued by the 190th Judicial District court of HARRIS County, TX and came to hand on the 28 day of August, 2019 at 3:37PM to be delivered at 2207 Clinton Dr, Galena Park, Tx 77547 by delivering to: GONZALES, RICK

Attempted Service

(Attempted service at 2207 Clinton Dr, Galena Park, Tx, 77547 unless otherwise noted.)

Date	Time	Deputy Name	Agency	Service Attempt Type	Attempted Address	Remarks
8/30/2019	11:50:00 AM	Jesus Martinez	2	OTHER	2207 Clinton Dr Galena Park Tx 77547	RECEIVED A TEXT FROM MS GABRILLE WITH THE LEWIS LAW GROUP SHE GAVE ME A HOME ADDRESS FOR DEFENDANT, RICHARD "RICK" GONZALES AT 8742 YVONNE DRIVE HOUSTON, TX. 77044 TRANSFER TO PCT. 3
8/29/2019	1:40:00 PM	Jesus Martinez	2	BAD ADDRESS	2207 Clinton Dr - Galena Park, Tx 77547	NO LONGER WORKS AT POLICE DEPARTMENT PLAINTIFF ATTORNEY AND SPOKE WITH MR. LEWIS ATTORNEY WHO I INFORMED OF THE BAD ADDRESS THAT HE TOOK MY PHONE AND WILL CALL ME TO GIVE ME A HOME ADDRESS.

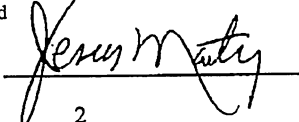
NOT EXECUTED to the defendant: GONZALES, RICK

The information received as to the whereabouts of the said defendant being: 8742 YVONNE DRIVE HOUSTON, TX. 77044

Fee Due \$ 75.00by Deputy Jesus Martinez - 82C02

Printed

Deputy Signature



Attempts:

2

Total Attempts:

2

Christopher Diaz, Constable Precinct #2

Harris County Texas

101 S Richey St, Suite C
Pasadena Texas 77506
713.477.2766

Constable Return of Individual

Cause #: 201957573Tracking #: 73663127

In the case of ESTATE OF HECTOR SALAS JR VS CITY OF GALENA PARK a CITATION and attached ORIGINAL PETITION was issued by the 190th Judicial District court of HARRIS County, TX and came to hand on the 4 day of September, 2019 at 3:13PM to be delivered at 8742 YVONNE DR, HOUSTON, TX 77044 by delivering to: GONZALES, RICK

Attempted Service

(Attempted service at 8742 YVONNE DR, HOUSTON, TX, 77044 unless otherwise noted.)

Date	Time	Deputy Name	Agency	Service Attempt Type	Attempted Address	Remarks
9/11/2019	8:20:22 AM	Tiffany Baines	3	BAD ADDRESS PER RESIDENT	8742 YVONNE DR HOUSTON TX 77044	PER MR. RICHARD V. GONZALES D.O.B 01/18/1949 WHO ADVISED THAT HE DOES NOT KNOW RICK GONZALES AT ALL.
9/10/2019	7:34:00 AM	Tiffany Baines	3	NO ANSWER/LEFT CARD	8742 YVONNE DR HOUSTON TX 77044	
9/9/2019	8:11:05 AM	Tiffany Baines	3	NO ANSWER/LEFT CARD	8742 YVONNE DR HOUSTON TX 77044	
9/9/2019	8:11:00 AM	Tiffany Baines	3	NO ANSWER/LEFT CARD	8742 YVONNE DR HOUSTON TX 77044	
8/30/2019	11:50:00 AM	Jesus Martinez	2	OTHER	2207 Clinton Dr Galena Park Tx 77547	RECEIVED A TEXT FROM MS GABRILLE WITH THE LEWIS LAW GROUP SHE GAVE ME A HOME ADDRESS FOR DEFENDANT, RICHARD "RICK" GONZALES AT 8742 YVONNE DRIVE HOUSTON, TX. 77044 TRANSFER TO PCT. 3
8/29/2019	1:40:00 PM	Jesus Martinez	2	BAD ADDRESS	2207 Clinton Dr - Galena Park, Tx 77547	NO LONGER WORKS AT POLICE DEPARTMENT PLAINTIFF ATTORNEY AND SPOKE WITH MR. LEWIS ATTORNEY WHO I INFORMED OF THE BAD ADDRESS THAT HE TOOK MY PHONE AND WILL CALL ME TO GIVE ME A HOME ADDRESS.

NOT EXECUTED to the defendant: GONZALES, RICK

The information received as to the whereabouts of the said defendant being:

Constable Return of Individual

Cause #: 201957573

Tracking #: 73663127

Fee Due \$ 75.00

by Deputy Tiffany Baines - 3C82

Printed

Deputy Signature



Attempts:

4

Total Attempts:

6

Sherman Eagleton, Constable Precinct #3

Harris County Texas

701 Baker Road
Baytown Texas 77521
713.274.2530

Unofficial Copy Office of Marilyn Burgess District Clerk

Constable Return of Individual

Cause #: 201957573Tracking #: 73663127

In the case of ESTATE OF HECTOR SALAS JR VS CITY OF GALENA PARK a CITATION and attached ORIGINAL PETITION was issued by the 190th Judicial District court of HARRIS County, TX and came to hand on the 28 day of August, 2019 at 3:37PM to be delivered at 2207 Clinton Dr, Galena Park, Tx 77547 by delivering to: GONZALES, RICK

Attempted Service

(Attempted service at 2207 Clinton Dr, Galena Park, Tx, 77547 unless otherwise noted.)

Date	Time	Deputy Name	Agency	Service Attempt Type	Attempted Address	Remarks
8/30/2019	11:50:00 AM	Jesus Martinez	2	OTHER	2207 Clinton Dr Galena Park Tx 77547	RECEIVED A TEXT FROM MS GABRILLE WITH THE LEWIS LAW GROUP SHE GAVE ME A HOME ADDRESS FOR DEFENDANT, RICHARD "RICK" GONZALES AT 8742 YVONNE DRIVE HOUSTON, TX. 77044 TRANSFER TO PCT. 3
8/29/2019	1:40:00 PM	Jesus Martinez	2	BAD ADDRESS	2207 Clinton Dr - Galena Park, Tx 77547	NO LONGER WORKS AT POLICE DEPARTMENT PLAINTIFF ATTORNEY AND SPOKE WITH MR. LEWIS ATTORNEY WHO I INFORMED OF THE BAD ADDRESS THAT HE TOOK MY PHONE AND WILL CALL ME TO GIVE ME A HOME ADDRESS.

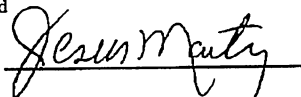
NOT EXECUTED to the defendant: GONZALES, RICK

The information received as to the whereabouts of the said defendant being: 8742 YVONNE DRIVE HOUSTON, TX. 77044

Fee Due \$ 75.00by Deputy Jesus Martinez - 82C02

Printed

Deputy Signature



Attempts:

2

Total Attempts:

2

Christopher Diaz, Constable Precinct #2

Harris County Texas

101 S Richey St, Suite C
Pasadena Texas 77506
713.477.2766

Unofficial Copy Office Of Marilyn Burgess District Clerk



Cause #: 201957573
Tracking #: 73663127
Person To Serve: GONZALES, RICHARD

1. Hector Salas Jr., the father of three, died November 30, 2018, in the City of Galena Park jail due to Galena Park failing to protect, and ignoring the medical and mental healthcare needs of Hector Salas, resulting in his suicide.
2. Hector was placed in custody because he was suicidal. His wife, Andrea Salva, called the police because he had taken a handful of pills.
3. He was taken to Ben Taub then released. She called them again the next day because he was still suicidal. The jail noted he was suicidal upon intake.
4. A surveillance camera captured Salas' suicide attempts and suicide on video.
5. He was in the cell alone and for enough time to tear mattress fabric apart into thin strips.
6. He created a noose that he put around his neck on one end and the other on the jail cell door.
7. He was not successful initially because the mattress fabric strips could not support his weight and broke.
8. He was able to try again but was again unsuccessful.
9. He made a third suicide attempt, this time he created and used a much thicker mattress fabric strip.

10. He tied it to the jail cell door and then placed the open knot end around his neck.
11. He used toilet water to cover the floor to cause the floor to be slippery.
12. He was successful on the third attempt.
13. Jail surveillance cameras captured the incident.
14. Galena Park is withholding the video even after the Attorney General's initial ruling that it had to be released.

JURISDICTION AND VENUE

15. This Court has jurisdiction over Plaintiffs' state and federal claims, under 28 U.S.C. § 1331 and 2201, 42 U.S.C § 1983 and 1988, and the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution, and supplemental jurisdiction under 28 U.S.C. § 1367(a), to hear Plaintiffs' federal law claims.
16. Venue is proper in this because the incidents at issue took place in Harris County, Texas.

PARTIES

17. Plaintiff, HECTOR SALAS, individually and as Representative of the Estate of Hector Salas Jr.
18. Plaintiff, ANDREA SILVA, individually and as next friend for H.S., and A.S.

19. Plaintiff, CYNTHIA MONTIEL, as next friend for E.S.

20. Defendant, CITY OF GALENA PARK, is and was at all times relevant to this action a governmental entity and is a person under 42 U.S.C. § 1983 and at all times relevant to this case acted under the color of law and may be served with process wherever the mayor may be found.

21. Defendant, RICK GONZALES, is and was at all times relevant to this action is a person under 42 U.S.C. § 1983 and at all times relevant to this case acted under the color of law and may be served with process wherever he may be found.

22. Defendants, DOES 1-5, is and was at all times relevant to this action is a person under 42 U.S.C. § 1983 and at all times relevant to this case acted under the color of law and may be served with process wherever he or she may be found.

ADDITIONAL FACTS

23. 31-year-old Hector Salas Jr. was a father of three, a husband, son, brother, and beloved friend.

24. He died on November 30, 2018, in the City of Galena Park jail due to Galena Park failing to protect him, ignoring the medical and mental healthcare needs of Hector Salas.

25. Hector was in the custody of Galena Park because he was suicidal.

26. His wife, Andrea Salva, called the police because he had taken a handful of pills.

27. His wife made it abundantly clear that he had attempted suicide just before he was taken into custody, even saying his goodbyes through the gesture of leaving his personal effects to his family.

28. He was taken to Ben Taub then released, without observation or treatment.

29. She was forced to call Galena Park again the next day because he was still suicidal. His behavior was not usual.

30. Hector was taken into custody by Galena Park.

31. The jail noted that he was suicidal upon intake.

32. He was placed in a cell alone.

33. He was left alone for enough time to tear mattress fabric apart into thin strips.

34. He created a noose that he put around his neck on one end and the other on the jail cell door.

35. He tried to strangle himself.

36. He was not successful in strangling himself initially because the mattress fabric strips could not support his weight and broke.

37. He had time to try again but was again unsuccessful.

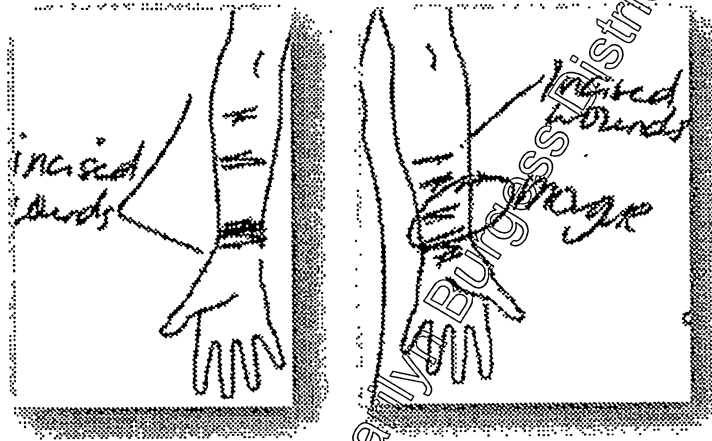
38. He had time to create and used a much thicker mattress fabric strip.
39. He had time to tie his newly created stronger noose strips to the jail cell door and then placed the open knot end around his neck.
40. He had time to glaze toilet water over the floor to cause the floor to be slippery.
41. He had time to make a third suicide attempt and was successful.
42. A surveillance camera captured Salas' suicide attempts and suicide on video.
43. According to the medical examiner, the manner of death is suicide by hanging:

A. HANGING:

The body is received with six segments of blue synthetic plastic-type material that have been previously cut:

1. A 49 by 5 inch sheet bunched together with clear tape at one end and in the middle.
2. A 56 by 30 inch sheet.
3. A 14 by 3 1/2 inch strip with two knots.
4. A 12 inch strip ranging in width between 1/4 of an inch and 1/2 of an inch with multiple knots.
5. A 16 by 3/4 of an inch strip with one knot.
6. A 17-1/2 by 1/2 of an inch strip with one knot.

44. Hector Salas Jr. also had incised wounds on both arms from his wrist to his forearms noted and an additional indication of a previous suicide attempt, and more indication that his serious medical need was ignored.



45. Galena Park continued to withhold documents and video footage even after the Attorney General's initial ruling that it had to be released.

CLAIMS

CITY OF GALENA PARK 42 U. S. C. SECTION 1983 CONSTITUTIONAL VIOLATIONS OF HECTOR SALAS'S CIVIL RIGHTS

46. Plaintiffs incorporate by reference all of the preceding paragraphs.

47. Plaintiffs also bring claims for violations of Hector Salas's Fourth, Eighth and Fourteenth Amendment rights.

Failure to train its officers—an omission—led to a violation of the constitutional right

48. Galena Park and each defendant were acting under color of state law and,

therefore, is liable under 42 U.S.C. § 1983.

49. Galena Park is liable under Section 1983 because it deprived Hector Salas of constitutional rights provided by federal law that occurred under color of state law and were caused by its employees, government actors.

50. Hector Salas had a right under the Fourth, Eighth, and Fourteenth Amendments of the United States Constitution while incarcerated to be free from indifference to his medical and mental health needs.

51. Hector Salas's death while in custody was preventable.

52. Galena Park was indifferent to Hector Salas' serious medical needs, mental health needs and protection.

53. Defendant Galena Park as a matter of policy, practice, custom and/or procedure did not have adequate staffing, had a practice and custom of not doing rounds, had a custom and practice of not checking to see if detention officers were doing rounds, and failed to provide and maintain adequate equipment to prevent suicide.

54. Defendant Galena Park failed to train and failed to adequately supervise its jail detention officers and employees and agents.

55. Prior to his death, Hector Salas did not receive adequate medical care for his risk of suicide, and symptoms.

56. His death was due to the acts and omissions of Galena Park and those acts and omissions violated his constitutional right to due process, to be free from unreasonable search and seizure; and right to adequate medical care under the constitution.

Failure-to-protect

57. Galena Park failed to properly and adequately train its officers to protect its inmates from the risk of serious harm in the form of self-inflicted suicide despite the obvious risk of harm, thereby failing to protect its inmates and deliberately indifferent to Hector's risk of harm.

Failure-to-supervise

58. Galena Park is not responsible based on Respondeat Superior rather because it failed to properly supervise its officers in protecting its inmates from the risk of serious harm in the form of self-inflicted suicide despite the known obvious risk of harm an inmate like Hector Salas would pose to himself.

Deliberate indifference to serious-medical-needs

59. Galena Park's failure to supervise amounted to deliberate indifference to Hector Salas' medical needs

60. Galena Park denied Hector Salas medical care for his serious medical need, thereby resulting in the constitutional violation that caused his death.

Conditions of Confinement

61. Galena Park placed Hector Salas in a cell where he could not be observed by others could be alerted to prevent his death.

62. Galena park placed Hector Salas in a cell with plastic and other materials he could use to make a noose to assist in his suicide.

CHIEF RICK GONZALEZ

63. Chief Rick Gonzalez is not responsible based on Respondeat Superior rather because he failed to properly supervise its officers in protecting its inmates from the risk of serious harm in the form of self-inflicted suicide despite the known obvious risk of harm an inmate like Hector Salas would pose to himself.

64. He further failed to train his subordinate officers on protecting inmates from serious harm.

65. Chief Gonzalez is and was at all times relevant to this action is a person under 42 U.S.C. § 1983 and at all times relevant to this case acted under the color of law as the chief of the Galena Park police department.

OFFICER DOES' CONSTITUTIONAL VIOLATIONS

Failure to Protect Claims

66. Protecting inmates from the risk of harm from others and themselves and

recognizing a serious medical, including mental health needs, is *required* training for all jail officers.

67. Officer Doe would not be entirely responsible for Salas' death if the City of Galena Park failed to train her on inmate suicide prevention properly, or treatment of inmates with serious medical needs, mental health concerns, and protecting inmates like Hector Salas from a substantial risk of serious harm.

68. On November 30, 2018, it was "well established" that a risk of suicide by an inmate, like this a serious medical need.

69. Officer Doe had individual-specific knowledge of the threat of serious harm by suicide since his wife made it abundantly clear that he had attempted suicide just before he was taken into custody, even saying his goodbyes through the gesture of leaving his personal effects to his family.

70. Officer Doe failed to check Hector Salas for a substantial length of time, a general risk that all prisoners in Hector's particular situation faced. He should have been on suicide watch while he was awaiting transport to the Harris County Jail or provided mental health treatment.

71. Officer Doe should have training in suicide and mental health training, any lack of expertise or experience that might limit Officer Doe's ability to evaluate potential harm and thereby her failure to protect.

72. Despite the obvious risk she disregarded the risk she failed to provide even an essential response of checking on him at all.

WRONGFUL DEATH

73. Wrongful Death Statute The Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as if set forth at length herein in this section.

74. The Plaintiffs bring this wrongful death action pursuant to the Texas Civil Practice and Remedies Code § 71.004 (c). Pursuant to Texas Civil Practice and Remedies Code § 71.002, and Texas statutory and common law, the Defendants are liable for their actions and omissions and their employee's actions omissions, including, without limitation, their agents and officers.

75. Hector Salas died as a result of the Defendants' deliberate indifference, reckless, wrongful acts and omissions, neglect, and carelessness actions. He would have been entitled to bring this action against Defendants if he had lived.

76. A reasonable and competent member of the law enforcement profession would have exercised under similar circumstances duties to: provide adequate medical care, not impose cruel and unusual punishment; Exercise ordinary or reasonable care; exercise the degree of care, skill, and competence that a reasonable officer would exercise.

77. The Defendants breached all of their duties. The Defendants' acts and omissions, jointly and severally, proximately caused injury and death to Hector Salas.

78. The Plaintiffs seek unliquidated damages within the jurisdictional limits of this Court.

SURVIVAL CLAIM

79. The Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as if set forth at length herein in this section. Pursuant to Texas Civil Practice and Remedies Code § 71.021 and Texas statutory and common law, the Defendants are liable for their actions and omissions and their employee's actions omissions, including, without limitation, their agents and officers.

80. Hector Salas had causes of action for personal injury to his person under the Texas Tort Claim Act, and 42 U.S.C. § 1983 before he died.

81. Hector would have been entitled to bring an action for the injury if he had lived, namely pain and suffering, as a result of the negligence and civil rights violations.

82. The Defendants' wrongful acts and omissions, jointly and severally, caused Hector's injuries for which the Plaintiffs sue for all damages allowed by law.

DAMAGES

83. Plaintiffs incorporate by reference all of the preceding paragraphs.

84. Plaintiffs experienced, and in all likelihood will experience, at least great pain and suffering in the past and in the future, great mental anguish in the past and future, loss of enjoyment of life, loss of consortium, loss of financial support and household services, comfort, and love and society.

85. Plaintiff seeks exemplary damages.

86. Plaintiffs have been damaged by the loss of companionship, consortium, and support that would have been provided by Hector Salas, but for his preventable death while in custody.

87. Hector Salas suffered great mental anguish and pain in the minutes and hours before his death and such is actionable through his estate and funeral expenses are recoverable as well.

TOLLING PROVISIONS

88. Tolling of the statute of limitations is required. Plaintiffs seek to plead any applicable tolling provisions against any defendant that might assert a bar to suit based on limitations since information involving Hector Salas' death is being withheld relating to the individuals involved, and additional details.

ATTORNEYS' FEES

89. Plaintiff is entitled to recover attorneys' fees and expenses under 42 U.S.C. § 1983 and §1988.

JURY TRIAL

90. Plaintiffs demand a trial by jury on all issues triable to a jury.

PRAYER

91. Plaintiffs pray the Court enter judgment and award damages for Plaintiffs against the Defendants; Plaintiffs pray that the Court finds that Plaintiffs are the prevailing parties in this case and award attorneys' fees and costs and all litigation expenses, pursuant to federal and state law, as noted against the Defendants; Plaintiffs pray that the Court award pre- and post-judgment interest; Plaintiffs pray that the Court award punitive damages against all individually named Defendants to Plaintiffs; Plaintiffs pray that the Court award costs of court; and Plaintiffs pray that the Court grant such other and further relief as appears reasonable and just, to which, Plaintiffs show himself entitled.

The Lewis Law Group, PLLC
By: /s/U.A. Lewis
U.A. Lewis
SBN 24076511
The Lewis Law Group
P.O. Box 27353
Houston, TX 77227
Attorney for Plaintiffs

County Auditor's Form/9999A
Harris County, Texas (Rev 04/01)

Official Receipt

101 NO. 876670

MARILYN BURGESS DISTRICT CLERK

Action : NO FEE DOCUMENTS NOT ANSWERS

Case: 201957573-7

Trans ID: 213190456

Court: 190

Style PLT: SALAS, HECTOR (SR) (INDIVIDUALLY AND AS REPRESENTA
DEF: CITY OF GALENA PARK

Fee	Description	Amount
118	CERTIFIED MAIL SERVICE FEE	\$75.00
121	CITATION WITH 1 COPY	\$16.00
179	ELECTRONIC FILING FEE - DCO	\$2.00
298	SERVICE COPIES	\$7.50
350	CONST-PERSONAL SERVICE	\$75.00
379	SERVICE BY MAIL (DCO)	\$15.00

Payment Texas.gov American Express 10037/1/2023 \$190.50
Amount Tendered : \$190.50
Payment Amount: \$190.50
Amount Applied: \$190.50
Change Amount: \$0.00

Received By: Lewis Law Group, PLLC 10029415
Of 9950 Westpark Dr. #104
Houston, TX 77063
ONE HUNDRED NINETY AND 50/100 *****Dollars

Payment Date: 8/26/2019

File Date: 8/19/2019

Customer Signature _____

Assessed By: USER, CONVERSION

Validated: 8/26/2019

By :SYSTEM GENERATED, Texas.gov 101

Manual Receipt Nbr: 0

Comment: Envelope number: 36273401 - 0

Unofficial Copy Office of Marilyn Burgess District Clerk
13-1# 73663125
11-1# 73663127

ENTERED 02

VERIFIED _____

TRN# 11312317

CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: 201957573CURRENT COURT: 190TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): ORIGINAL PETITION/CITATIONFILE DATE OF MOTION: 08 / 19 / 2019

Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: The City of Galena ParkADDRESS: 2000 Candle Hollow Dr. Spring, Tx 77547-2837

AGENT, (if applicable): _____

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): _____

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☐ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____

Phone: _____

☐ MAIL☒

CERTIFIED MAIL-DISTRCT CLERK'S OFFICE

☐ Type of Publication: _____COURTHOUSE DOOR, or
NEWSPAPER OF YOUR CHOICE:☐

OTHER, explain _____

2. NAME: Chief Rick GonzalesADDRESS: 2207 Clinton Dr. Galena Park, Tx 77547

AGENT, (if applicable): _____

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): ORIGINAL PETITION/CITATION

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☒ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____

Phone: _____

☐ MAIL☐

CERTIFIED MAIL-DISTRCT CLERK'S OFFICE

☐ PUBLICATION:

Type of Publication: _____

COURTHOUSE DOOR, or
NEWSPAPER OF YOUR CHOICE:☐

OTHER, explain _____

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: U.A. LEWIS TEXAS BAR NO./ID NO: 24076511MAILING ADDRESS: PO BOX 27353 HOUSTON, TX 77227PHONE NUMBER: 713-570-6555 FAX NUMBER: 713-581-1017EMAIL ADDRESS: MYATTORNEYATLAW@GMAIL.COM

CAUSE NO. 201957573

RECEIPT NO.
*****75.00 CTM
TR # 73663125PLAINTIFF: ESTATE OF HECTOR SALAS JR
vs.
DEFENDANT: CITY OF GALENA PARKIn The 190th
Judicial District Court
of Harris County, Texas
190TH DISTRICT COURT
Houston, TX

CITATION (CERTIFIED)

THE STATE OF TEXAS
County of Harris

TO: CITY OF GALENA PARK MAY BE SERVED WHEREVER THE MAYOR MAY BE FOUND

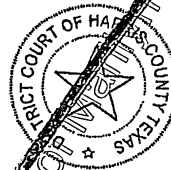
2000 CANDLE HOLLOW DR SPRING TX 77547 - 2837

Attached is a copy of ORIGINAL PETITIONThis instrument was filed on the 19th day of August, 2019, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 27th day of August, 2019, under my hand and seal of said Court.

Issued at request of:
LEWIS, U. A.
PO BOX 27353
HOUSTON, TX 77227
Tel: (713) 570-6555
Bar No.: 24076511Marilyn Burgess
MARILYN BURGESS, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)

Generated By: CHAMBERS, WANDA ULW//11312317

CLERK'S RETURN BY MAILING

Came to hand the _____ day of _____, _____, and executed by mailing to Defendant certified mail, return receipt requested, restricted delivery, a true copy of this citation together with an attached copy of ORIGINAL PETITION to the following addressee at address:

ADDRESS

(a) ADDRESSEE

Service was executed in accordance with Rule 106
(2) TRCP, upon the Defendant as evidenced by the return receipt incorporated herein and attached hereto at _____on _____ day of _____,
by U.S. Postal delivery to _____

This citation was not executed for the following reason: _____

MARILYN BURGESS, District Clerk
Harris County, TEXAS

By _____, Deputy

N.INT.CITM.P

73663125

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging.

CAUSE NO. 201957573

RECEIPT NO.

75.00

CTM

TR # 73663125

PLAINTIFF: ESTATE OF HECTOR SALAS JR
 vs.
 DEFENDANT: CITY OF GALENA PARK

In The 190th
 Judicial District Court
 of Harris County, Texas
 190TH DISTRICT COURT
 Houston, TX

CITATION (CERTIFIED)

THE STATE OF TEXAS
 County of Harris

TO: CITY OF GALENA PARK MAY BE SERVED WHEREVER THE MAYOR MAY BE FOUND

2000 CANDLE HOLLOW DR SPRING TX 77547 - 2837

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 PO BOX 27353
 HOUSTON, TX 77227
 Tel: (713) 570-6555
Bar No.: 24076511



Marilyn Burgess
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 Harris County, Texas
 201 Caroline, Houston, Texas 77002
 (P.O. Box 4651, Houston, Texas 77210)

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 by U.S. Postal delivery to _____

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MARILYN BURGESS, District Clerk
 Harris County, TEXAS

By _____, Deputy

7618 1830 0001 4924 9771

p2

CAUSE NO. 201957573

RECEIPT NO.

75.00

CTM

TR # 73681362

PLAINTIFF: ESTATE OF HECTOR SALAS JR
 vs.
 DEFENDANT: CITY OF GALENA PARK

In The 190th
 Judicial District Court
 of Harris County, Texas
 190TH DISTRICT COURT
 Houston, TX

CITATION (CERTIFIED)

THE STATE OF TEXAS
 County of Harris

TO: CITY OF GALENA PARK
 C/O MAYOR ESMERALDA MOYA OF GALENA PARK
 OR WHEREVER THE MAYOR MAY BE FOUND

2000 CLINTON DRIVE GALENA PARK TX 77547 - 3806

Attached is a copy of ORIGINAL PETITION

This instrument was filed on the 19th day of August, 2019, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 7th day of October 2019, under my hand and seal of said Court.

Issued at request of:
 LEWIS, U. A.
 PO BOX 27353
 HOUSTON, TX 77227
 Tel: (713) 570-6555
 Bar No.: 24076511



MARILYN BURGESS, District Clerk
 Harris County, Texas
 201 Caroline, Houston, Texas 77002
 (P.O. Box 4651, Houston, Texas 77210)

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CLERK'S RETURN BY MAILING

Came to hand the _____ day of _____, _____, and executed by mailing to Defendant certified mail, return receipt requested, restricted delivery, a true copy of this citation together with an attached copy of ORIGINAL PETITION, to the following addressee at address:

(a) ADDRESSEE

ADDRESS

Service was executed in accordance with Rule 106
 (2) TRCP, upon the Defendant as evidenced by the return receipt incorporated herein and attached hereto at

on _____ day of _____,
 by U.S. Postal delivery to _____

This citation was not executed for the following reason: _____

MARILYN BURGESS, District Clerk
 Harris County, TEXAS

By _____, Deputy

N.T. CTM.P

73681362

RECORDER'S MEMORANDUM
 This instrument is of poor quality
 at the time of imaging

CAUSE NO. 201957573

RECEIPT NO.

75.00

CTM

TR # 73681362

PLAINTIFF: ESTATE OF HECTOR SALAS JR
 vs.
 DEFENDANT: CITY OF GALENA PARK

In The 190th
 Judicial District Court
 of Harris County, Texas
 190TH DISTRICT COURT
 Houston, TX

CITATION (CERTIFIED)

THE STATE OF TEXAS
 County of Harris

TO: CITY OF GALENA PARK
 C/O MAYOR ESMERALDA MOYA OF GALENA PARK
 OR WHEREVER THE MAYOR MAY BE FOUND

2000 CLINTON DRIVE GALENA PARK TX 77547 - 3806

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TO OFFICER SERVING:

This citation was issued on 7th day of October, 2019, under my hand and seal of said Court.

Issued at request of:
 LEWIS, U. A.
 PO BOX 27353
 HOUSTON, TX 77227
 Tel: (713) 570-6555
 Bar No.: 24076511



Marilyn Burgess
 MARILYN BURGESS, District Clerk
 Harris County, Texas
 201 Caroline, Houston, Texas 77002
 (P.O. Box 4651, Houston, Texas 77210)

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ORIGINAL PETITION
 to the following addressee at address:

(a) ADDRESSEE

ADDRESS

Service was executed in accordance with Rule 106
 (2) TRCP, upon the Defendant as evidenced by the
 return receipt incorporated herein and attached
 hereto at _____

on _____ day of _____,
 by U.S. Postal delivery to _____

This citation was not executed for the following
 reason: _____

MARILYN BURGESS, District Clerk
 Harris County, TEXAS

By _____, Deputy

2019-57573

District Clerk

08-28-19

7019 0140 0000 5914 9648

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CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website: <https://www.usps.com>

OFFICIAL USE

Certified Mail Fee \$ 3.50 AUG 28 2019

Extra Services & Fees (check box, add fee as appropriate)

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☐ Certified Mail Restricted Delivery

☐ Adult Signature Required

☐ Adult Signature Restricted Delivery

Postmark Here

CITY OF GALENA PARK
C/O MAYOR
2000 CANDLE HOLLOW DR
SPRING, TEXAS 77547-2837

PS Form 3800, April 2015 Edition PSN 7530-02-000-9000-9001 See Reverse for Instructions

Unofficial Copy Office of the District Clerk

RECORDER'S MEMORANDUM
This instrument is of poor quality
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OFFICIAL USE
OCT 07 2019

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Extra Services & Fees (check box, add fee to appropriate fee)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage

CITY OF GALENA PARK
C/O MAYOR ESMERALDA MOYA OF GALENA
PARK
2000 CANTON DRIVE
GALENA PARK, TEXAS 77547-3806

Postmark: OCT 07 2019 SAM HOUSTON, TX

PS Form 3800, April 2015 (PSN 7530-02-000-9047) See Reverse for Instructions

2019-57573

10-07-19

Unofficial Copy Official

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

CITY OF GALENA PARK
 C/O MAYOR ESMERALDA MOYA OF GALENA PARK
 2000 CLINTON DRIVE
 GALENA PARK, TEXAS 77547-3806



9590 9402 4604 8323 5931 75

2. Article Number **19-57573-190**
 7018 1830 0003 4424 4771

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Maria Rios

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes

☐ No

0102 71 13 2019

2019-57573

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ In Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery

(over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

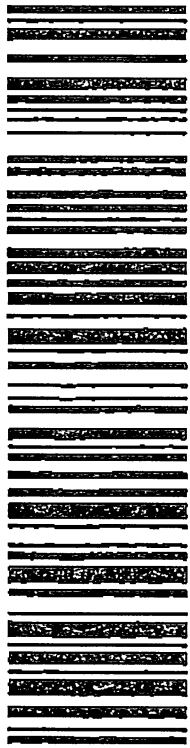
☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

☐ Restricted Delivery

Domestic Return Receipt

USPS TRACKING #



9590 9402 4604 8323 5931 75

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States

Postal Service

MARILYN BURGESS
DISTRICT CLERK
HARRIS COUNTY, TEXAS

MARILYN BURGESS, DISTRICT CLERK
HARRIS COUNTY, TEXAS
CIVIL INTAKE

2019 OCT 24 AM 8:11 P.O. BOX 4651

HOUSTON, TEXAS 77210

• Sender: Please print your name, address, and ZIP+4® in this box•

BY: MARILYN BURGESS ADMIN



10/24/2019 3:42 PM

Marilyn Burgess - District Clerk Harris County

Envelope No. 37941797

By: Chandra Lawson

Filed: 10/24/2019 3:42 PM

CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: 201957573CURRENT COURT: 190TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): ORIGINAL PETITION/CITATIONFILE DATE OF MOTION: 08 / 19 / 2019

Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Chief Rick GonzalesADDRESS: 8742 Yvonne Dr.AGENT, (if applicable): Houston, Texas 77044-1342

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☒ CONSTABLE

CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____

Phone: _____

☐ MAIL☐

CERTIFIED MAIL-DISTRCT CLERK'S OFFICE

☐ Type of Publication:☐COURTHOUSE DOOR, or
NEWSPAPER OF YOUR CHOICE:☐☐ OTHER, explain _____

2. NAME: _____

ADDRESS: _____

AGENT, (if applicable): _____

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): ORIGINAL PETITION/CITATION

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☐ CONSTABLE

CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____

Phone: _____

☐ MAIL☐

CERTIFIED MAIL-DISTRCT CLERK'S OFFICE

☐ PUBLICATION:

Type of Publication:

☐COURTHOUSE DOOR, or
NEWSPAPER OF YOUR CHOICE:☐☐

OTHER, explain _____

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: U.A. LEWIS TEXAS BAR NO./ID NO: 24076511MAILING ADDRESS: PO BOX 27353 HOUSTON, TX 77227PHONE NUMBER: 713-570-6555 FAX NUMBER: 713-581-1017EMAIL ADDRESS: MYATTORNEYATLAW@GMAIL.COM

10/4/2019 11:24 AM

Marilyn Burgess - District Clerk Harris County

Envelope No. 37388907

By: Adiliani Solis

Filed: 10/4/2019 11:24 AM

CIVIL PROCESS REQUEST

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FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: 201957573CURRENT COURT: 190TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): ORIGINAL PETITION/CITATIONFILE DATE OF MOTION: 08 / 19 / 2019

Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: The City of Galena ParkADDRESS: 2000 Clinton Drive, Galena Park, Tx 77547-3406AGENT, (if applicable): c/o Mayor Esmeralda Moya of Galena Park

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☐ CONSTABLE

CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____

☐ MAIL☒ CERTIFIED MAIL-DISTRCT CLERK'S OFFICE☐ Type of Publication:COURTHOUSE DOOR, or
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2. NAME: _____

ADDRESS: _____

AGENT, (if applicable): _____

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): ORIGINAL PETITION/CITATION

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☐ CONSTABLE

CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____

☐ MAIL☐ CERTIFIED MAIL-DISTRCT CLERK'S OFFICE☐ PUBLICATION:

Type of Publication:


COURTHOUSE DOOR, or
NEWSPAPER OF YOUR CHOICE:☐ OTHER, explain _____

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:


NAME: U.A. LEWIS TEXAS BAR NO./ID NO: 24076511MAILING ADDRESS: PO BOX 27353 HOUSTON, TX 77227PHONE NUMBER: 713-570-6555 FAX NUMBER: 713-581-1017EMAIL ADDRESS: MYATTORNEYATLAW@GMAIL.COM

2019-57573

P-18

 HARRIS COUNTY DISTRICT CLERK
P.O. BOX 4651
HOUSTON, TEXAS 77210-4651

CERTIFIED MAIL


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09/28/2019
USPS® \$007.75⁹

ZIP 77002
041M12352396

190th

NSA 8/20/19

FILED
MARILYN BURGESS
DISTRICT CLERK
HARRIS COUNTY, TEXAS

2019 SEP -5 AM 9:36
09-05-19

BY MAIL PROCESSING ADMIN

CITY OF GALENA PARK
C/O MAYOR
2000 CANDLE HOLLOW DR
SPRING, TEXAS 77547-2837

773 DC 1 0003 31 19

RETURN TO SENDER
NO SUCH NUMBER
UNABLE TO FORWARD

EC 7210455151 2001NC3198-00145

Unofficial Copy Office of Marilyn Burgess District Clerk

SEND TO:

☐ Complete items 1, 2, and 3.
☐ Print your name and address on the reverse so that we can return the card to you.
☐ Attach this card to the back of this mailpiece, or on the front if space permits.

CITY OF GALENA PARK
C/O MAYOR
2000 CANDLE HOLLOW DR
SPRING, TEXAS 77547-2837

57573-190

9590 9402 4604 8323 5949 50

2. Article Number (Thermatec Barcode)
7019 0140 0000 5924 9648

PS Form 3811, July 2015 PSN 7530-02-000-9063

A. Signature
☒ Agent
☐ Addressee

B. Received by (Printed Name) **C. Date of Delivery**

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

Unofficial Copy Office of Marilyn Burgess District Clerk

CAUSE NO. 201957573

RECEIPT NO.

75.00

CTM

TR # 73663125

PLAINTIFF: ESTATE OF HECTOR SALAS JR
 vs.
 DEFENDANT: CITY OF GALENA PARK

In The 190th
 Judicial District Court
 of Harris County, Texas
 190TH DISTRICT COURT
 Houston, TX

CITATION (CERTIFIED)

THE STATE OF TEXAS
 County of Harris

TO: CITY OF GALENA PARK MAY BE SERVED WHEREVER THE MAYOR MAY BE FOUND

2000 CANDLE HOLLOW DR SPRING TX 77547 - 2837

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TO OFFICER SERVING:

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Issued at request of:
 LEWIS, U. A.
 PO BOX 27353
 HOUSTON, TX 77227
 Tel: (713) 570-6555
 Bar No.: 24076511

MARILYN BURGESS, District Clerk
 Harris County, Texas
 201 Caroline, Houston, Texas 77002
 P.O. Box 4651, Houston, Texas 77210

Generated By: CHAMBERS, WANDA ULW//11312317

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(a)ADDRESSEE

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 (2) TRCP, upon the Defendant as evidenced by the return receipt incorporated herein and attached hereto at

on _____ day of _____,
 by U.S. Postal delivery to _____

This citation was not executed for the following reason: _____

MARILYN BURGESS, District Clerk
 Harris County, TEXAS

By _____, Deputy

8/19/2019 10:24 AM
Marilyn Burgess - District Clerk Harris County
Envelope No. 38083618
By: Joshua Hall
Filed: 8/19/2019 10:24 AM

2019-57573 / Court: 190

CAUSE NO. _____

ESTATE OF HECTOR SALAS, JR., § IN THE DISTRICT COURT OF
HECTOR SALAS SR., as §
representative and individually, §
ANDREA SILVA individually, and §
A/N/F for H.S., and A.S., CYNTHIA §
MONTIEL A/N/F for E.S., §
Plaintiffs, § HARRIS COUNTY, TEXAS
v. §
THE CITY OF GALENA PARK, §
CHIEF RICK GONZALES, and §
DOES 1-5
Defendant.

ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now ESTATE OF HECTOR SALAS, JR., HECTOR SALAS SR., as representative and individually, ANDREA SILVA individually, and as next friend for H.S., and A.S., CYNTHIA MONTIEL as next friend for E.S., (collectively "Plaintiffs") complaining of THE CITY OF GALENA PARK, TEXAS ("Galena Park"), and OFFICER DOE files this, their Original Petition.

INTRODUCTION

1. Hector Salas Jr., the father of three, died November 30, 2018, in the City of Galena Park jail due to Galena Park failing to protect, and ignoring the medical and mental healthcare needs of Hector Salas, resulting in his suicide.
2. Hector was placed in custody because he was suicidal. His wife, Andrea Salva, called the police because he had taken a handful of pills.
3. He was taken to Ben Taub then released. She called them again the next day because he was still suicidal. The jail noted he was suicidal upon intake.
4. A surveillance camera captured Salas' suicide attempts and suicide on video.
5. He was in the cell alone and for enough time to tear mattress fabric apart into thin strips.
6. He created a noose that he put around his neck on one end and the other on the jail cell door.
7. He was not successful initially because the mattress fabric strips could not support his weight and broke.
8. He was able to try again but was again unsuccessful.
9. He made a third suicide attempt, this time he created and used a much thicker mattress fabric strip.

10. He tied it to the jail cell door and then placed the open knot end around his neck.

11. He used toilet water to cover the floor to cause the floor to be slippery.

12. He was successful on the third attempt.

13. Jail surveillance cameras captured the incident.

14. Galena Park is withholding the video even after the Attorney General's initial ruling that it had to be released.

JURISDICTION AND VENUE

15. This Court has jurisdiction over Plaintiffs' state and federal claims, under 28 U.S.C. § 1331 and 2201, 42 U.S.C. § 1983 and 1988, and the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution, and supplemental jurisdiction under 28 U.S.C. § 1367(a), to hear Plaintiffs' federal law claims.

16. Venue is proper in this because the incidents at issue took place in Harris County, Texas.

PARTIES

17. Plaintiff, HECTOR SALAS, individually and as Representative of the Estate of Hector Salas Jr.

18. Plaintiff, ANDREA SILVA, individually and as next friend for H.S., and A.S.

19. Plaintiff, CYNTHIA MONTIEL, as next friend for E.S.

20. Defendant, CITY OF GALENA PARK, is and was at all times relevant to this action a governmental entity and is a person under 42 U.S.C. § 1983 and at all times relevant to this case acted under the color of law and may be served with process wherever the mayor may be found.

21. Defendant, RICK GONZALES, is and was at all times relevant to this action is a person under 42 U.S.C. § 1983 and at all times relevant to this case acted under the color of law and may be served with process wherever he may be found.

22. Defendants, DOES 1-5, is and was at all times relevant to this action is a person under 42 U.S.C. § 1983 and at all times relevant to this case acted under the color of law and may be served with process wherever he or she may be found.

ADDITIONAL FACTS

23. 31-year-old Hector Salas Jr. was a father of three, a husband, son, brother, and beloved friend.

24. He died on November 30, 2018, in the City of Galena Park jail due to Galena Park failing to protect him, ignoring the medical and mental healthcare needs of Hector Salas.

25. Hector was in the custody of Galena Park because he was suicidal.

26. His wife, Andrea Salva, called the police because he had taken a handful of pills.
27. His wife made it abundantly clear that he had attempted suicide just before he was taken into custody, even saying his goodbyes through the gesture of leaving his personal effects to his family.
28. He was taken to Ben Taub then released, without observation or treatment.
29. She was forced to call Galena Park again the next day because he was still suicidal. His behavior was not usual.
30. Hector was taken into custody by Galena Park.
31. The jail noted that he was suicidal upon intake.
32. He was placed in a cell alone.
33. He was left alone for enough time to tear mattress fabric apart into thin strips.
34. He created a noose that he put around his neck on one end and the other on the jail cell door.
35. He tried to strangle himself.
36. He was not successful in strangling himself initially because the mattress fabric strips could not support his weight and broke.
37. He had time to try again but was again unsuccessful.

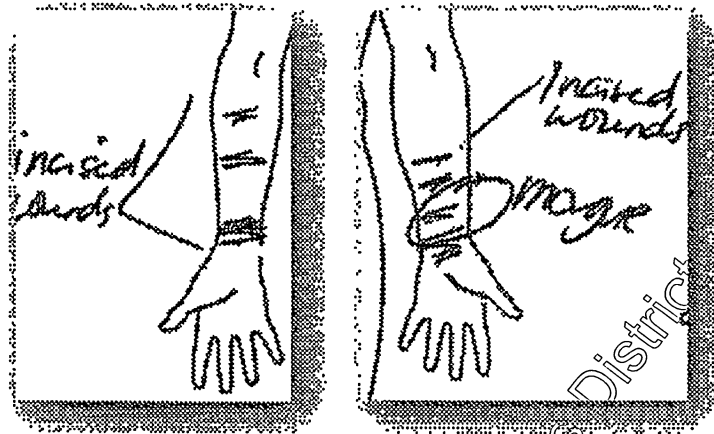
38. He had time to create and used a much thicker mattress fabric strip.
39. He had time to tie his newly created stronger noose strips to the jail cell door and then placed the open knot end around his neck.
40. He had time to glaze toilet water over the floor to cause the floor to be slippery.
41. He had time to make a third suicide attempt and was successful.
42. A surveillance camera captured Salas' suicide attempts and suicide on video.
43. According to the medical examiner, the manner of death is suicide by hanging:

A. HANGING:

The body is received with six segments of blue synthetic plastic-type material that have been previously cut:

1. A 49 by 5 inch sheet bunched together with clear tape at one end and in the middle.
2. A 66 by 30 inch sheet.
3. A 14 by 1/2 inch strip with two knots.
4. A 12 inch strip ranging in width between 1/4 of an inch and 1/2 of an inch with multiple knots.
5. A 16 by 3/4 of an inch strip with one knot.
6. A 17-1/2 by 1/2 of an inch strip with one knot.

44. Hector Salas Jr. also had incised wounds on both arms from his wrist to his forearms noted and an additional indication of a previous suicide attempt, and more indication that his serious medical need was ignored.



45. Galena Park continued to withhold documents and video footage even after the Attorney General's initial ruling that it had to be released.

CLAIMS

CITY OF GALENA PARK 42 U.S.C. SECTION 1983 CONSTITUTIONAL VIOLATIONS OF HECTOR SALAS'S CIVIL RIGHTS

46. Plaintiffs incorporate by reference all of the preceding paragraphs.

47. Plaintiffs also bring claims for violations of Hector Salas's Fourth, Eighth and Fourteenth Amendment rights.

Failure to train its officers—an omission—led to a violation of the constitutional right

48. Galena Park and each defendant were acting under color of state law and,

therefore, is liable under 42 U.S.C. § 1983.

49. Galena Park is liable under Section 1983 because it deprived Hector Salas of constitutional rights provided by federal law that occurred under color of state law and were caused by its employees, government actors.

50. Hector Salas had a right under the Fourth, Eighth, and Fourteenth Amendments of the United States Constitution while incarcerated to be free from indifference to his medical and mental health needs.

51. Hector Salas's death while in custody was preventable.

52. Galena Park was indifferent to Hector Salas' serious medical needs, mental health needs and protection.

53. Defendant Galena Park as a matter of policy, practice, custom and/or procedure did not have adequate staffing, had a practice and custom of not doing rounds, had a custom and practice of not checking to see if detention officers were doing rounds, and failed to provide and maintain adequate equipment to prevent suicide.

54. Defendant Galena Park failed to train and failed to adequately supervise its jail detention officers and employees and agents.

55. Prior to his death, Hector Salas did not receive adequate medical care for his risk of suicide, and symptoms.

56. His death was due to the acts and omissions of Galena Park and those acts and omissions violated his constitutional right to due process, to be free from unreasonable search and seizure; and right to adequate medical care under the constitution.

Failure-to-protect

57. Galena Park failed to properly and adequately train its officers to protect its inmates from the risk of serious harm in the form of self-inflicted suicide despite the obvious risk of harm, thereby failing to protect its inmates and deliberately indifferent to Hector's risk of harm.

Failure-to-supervise

58. Galena Park is not responsible based on Respondeat Superior rather because it failed to properly supervise its officers in protecting its inmates from the risk of serious harm in the form of self-inflicted suicide despite the known obvious risk of harm an inmate like Hector Salas would pose to himself.

Deliberate indifference to serious-medical-needs

59. Galena Park's failure to supervise amounted to deliberate indifference to Hector Salas' medical needs

60. Galena Park denied Hector Salas medical care for his serious medical need, thereby resulting in the constitutional violation that caused his death.

Conditions of Confinement

61. Galena Park placed Hector Salas in a cell where he could not be observed by others could be alerted to prevent his death.

62. Galena park placed Hector Salas in a cell with plastic and other materials he could use to make a noose to assist in his suicide.

CHIEF RICK GONZALEZ

63. Chief Rick Gonzalez is not responsible based on Respondeat Superior rather because he failed to properly supervise its officers in protecting its inmates from the risk of serious harm in the form of self-inflicted suicide despite the known obvious risk of harm an inmate like Hector Salas would pose to himself.

64. He further failed to train his subordinate officers on protecting inmates from serious harm.

65. Chief Gonzalez is and was at all times relevant to this action is a person under 42 U.S.C. § 1983 and at all times relevant to this case acted under the color of law as the chief of the Galena Park police department.

OFFICER DOES' CONSTITUTIONAL VIOLATIONS

Failure to Protect Claims

66. Protecting inmates from the risk of harm from others and themselves and

recognizing a serious medical, including mental health needs, is *required* training for all jail officers.

67. Officer Doe would not be entirely responsible for Salas' death if the City of Galena Park failed to train her on inmate suicide prevention properly, or treatment of inmates with serious medical needs, mental health concerns, and protecting inmates like Hector Salas from a substantial risk of serious harm.

68. On November 30, 2018, it was "well established" that a risk of suicide by an inmate, like this a serious medical need.

69. Officer Doe had individual-specific knowledge of the threat of serious harm by suicide since his wife made it abundantly clear that he had attempted suicide just before he was taken into custody, even saying his goodbyes through the gesture of leaving his personal effects to his family.

70. Officer Doe failed to check Hector Salas for a substantial length of time, a general risk that all prisoners in Hector's particular situation faced He should have been on suicide watch while he was awaiting transport to the Harris County Jail or provided mental health treatment.

71. Officer Doe should have training in suicide and mental health training, any lack of expertise or experience that might limit Officer Doe's ability to evaluate potential harm and thereby her failure to protec.

72. Despite the obvious risk she disregarded the risk she failed to provide even an essential response of checking on him at all.

WRONGFUL DEATH

73. Wrongful Death Statute The Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as if set forth at length herein in this section.

74. The Plaintiffs bring this wrongful death action pursuant to the Texas Civil Practice and Remedies Code § 71.004 (c). Pursuant to Texas Civil Practice and Remedies Code § 71.002, and Texas statutory and common law, the Defendants are liable for their actions and omissions and their employee's actions omissions, including, without limitation, their agents and officers.

75. Hector Salas died as a result of the Defendants' deliberate indifference, reckless, wrongful acts and omissions, neglect, and carelessness actions. He would have been entitled to bring this action against Defendants if he had lived.

76. A reasonable and competent member of the law enforcement profession would have exercised under similar circumstances duties to: provide adequate medical care, not impose cruel and unusual punishment; Exercise ordinary or reasonable care; exercise the degree of care, skill, and competence that a reasonable officer would exercise.

77. The Defendants breached all of their duties. The Defendants' acts and omissions, jointly and severally, proximately caused injury and death to Hector Salas.

78. The Plaintiffs seek unliquidated damages within the jurisdictional limits of this Court.

SURVIVAL CLAIM

79. The Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as if set forth at length herein in this section. Pursuant to Texas Civil Practice and Remedies Code § 71.021 and Texas statutory and common law, the Defendants are liable for their actions and omissions and their employee's actions omissions, including, without limitation, their agents and officers.

80. Hector Salas had causes of action for personal injury to his person under the Texas Tort Claim Act, and 42 U.S.C. § 1983 before he died.

81. Hector would have been entitled to bring an action for the injury if he had lived, namely pain and suffering, as a result of the negligence and civil rights violations.

82. The Defendants' wrongful acts and omissions, jointly and severally, caused Hector's injuries for which the Plaintiffs sue for all damages allowed by law.

DAMAGES

83. Plaintiffs incorporate by reference all of the preceding paragraphs.

84. Plaintiffs experienced, and in all likelihood will experience, at least great pain and suffering in the past and in the future, great mental anguish in the past and future, loss of enjoyment of life, loss of consortium, loss of financial support and household services, comfort, and love and society.

85. Plaintiff seeks exemplary damages.

86. Plaintiffs have been damaged by the loss of companionship, consortium, and support that would have been provided by Hector Salas, but for his preventable death while in custody.

87. Hector Salas suffered great mental anguish and pain in the minutes and hours before his death and such is actionable through his estate and funeral expenses are recoverable as well.

TOLLING PROVISIONS

88. Tolling of the statute of limitations is required. Plaintiffs seek to plead any applicable tolling provisions against any defendant that might assert a bar to suit based on limitations since information involving Hector Salas' death is being withheld relating to the individuals involved, and additional details.

ATTORNEYS' FEES

89. Plaintiff is entitled to recover attorneys' fees and expenses under 42 U.S.C. § 1983 and §1988.

JURY TRIAL

90. Plaintiffs demand a trial by jury on all issues triable to a jury.

PRAYER

91. Plaintiffs pray the Court enter judgment and award damages for Plaintiffs against the Defendants; Plaintiffs pray that the Court finds that Plaintiffs are the prevailing parties in this case and award attorneys' fees and costs and all litigation expenses, pursuant to federal and state law, as noted against the Defendants; Plaintiffs pray that the Court award pre- and post-judgment interest; Plaintiffs pray that the Court award punitive damages against all individually named Defendants to Plaintiffs; Plaintiffs pray that the Court award costs of court; and Plaintiffs pray that the Court grant such other and further relief as appears reasonable and just, to which, Plaintiffs show himself entitled.

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October 25, 2019

RE: Case No. 201957573

Shandra,

Per our phone conversation, I am submitting this cover letter to accommodate the service request previously submitted (Envelope # 37941797). Please apply the additional service fees to the reference service request, thank you for your time and assistance in this matter.

Gabrielle Strange
Legal Assistant
gabrielles@thelewislaw.com
713-570-6555

Harris County Docket Sheet

2019-57573

COURT: 190th

FILED DATE: 8/19/2019

CASE TYPE: OTHER CIVIL



ESTATE OF HECTOR SALAS JR

Attorney: LEWIS, U. A.

VS.

CITY OF GALENA PARK

Docket Sheet Entries

Date	Comment
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Unofficial Copy Office of Marilyn Burgess District Clerk